

Toth et al.**S/N:10/605,789****REMARKS**

Claims 1-23 are pending in the present application. In the Office Action mailed February 24, 2005, the Examiner rejected claims 1, 2, 7, 8, 17, 19, 20, and 22 under 35 U.S.C. §102(b) as being anticipated by Moore (USP 4,181,858). The Examiner next rejected claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Moore, and further in view of Popescu (USP 6,501,828). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moore. Claims 11-16 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moore, and further in view of Hoffman et al. (USP 6,137,857). Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moore, and further in view of Gunji et al. (JSP 08-266523). Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moore, and further in view of Romeas (USP 6,148,062). The Examiner also objected to certain portions of the Specification and claim 11.

Regarding the objections to the Specification, Applicant refers the Examiner to the amendments set forth above. It is believed that the above amendments correct the informalities identified by the Examiner. No new matter has been added.

Applicant has also amended claim 11 to correct the informalities identified by the Examiner.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Moore. As best shown in Fig. 2a, Moore teaches a radiographic filter apparatus defined by a pair of filters. Each filter is defined by a wedge-shaped body 26 that "is relatively large at one end and then of decreasing thickness with length and has a relatively thin part 26' of sufficient length to extend across the entire fan of radiation". USP 4,181,858, col. 6, ll. 20-23. As further illustrated in Fig. 2a, the thin part of one wedge extends from a distal end of the wedge body relative to an x-ray source whereas the thin part of the other wedge extends from a proximate end of the wedge body relative to the x-ray source. That is, in the radiographic filter apparatus taught by Moore, the wedges are arranged such that the thin parts 26' are positioned next to one another. In other words, the thicker portion of one wedge does not separate the thin parts 26' of the two wedge bodies from

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one another. As such, in the arrangement of Moore, one wedge body is simply rotated 180° from the other wedge body.

In contrast, claim 1 has been amended to clarify that the first moveable filter has a body and a tail extending from the body wherein the tail is positioned at a distal end of the first moveable filter relative to an x-ray source and that the second moveable filter has a body and a tail extending from the body wherein the tail is positioned at a distal end of the second moveable filter relative to an x-ray source. In this regard, the claimed arrangement calls for a filter assembly wherein the tails of each filter extend from the distal end of each filter relative to an x-ray source. This is a construction that is neither taught nor suggested by the art of record. As such, it is believed that claim 1 calls for subject matter patentably distinct from that taught by the art of record. Allowance of claim 1 and those claims depending therefrom is therefore requested.

Regarding the rejection of claim 17 under 35 U.S.C. 35 §102(b) as being anticipated by Moore, Applicant refers the Examiner to the amendments set forth above. As amended, claim 17 calls for a pair of moveable filters in addition to a stationary filter. In this regard, the apparatus of claim 17 has three distinct filters. Moore, as shown in Figs. 1a, 2a, 2b, 3a, 3b, and 6 and described in the accompany text, discloses only two filters. Accordingly, that which is called for in claim 17 is patentably distinct from that taught and/or suggested by Moore. Allowance of claim 17 and those claims depending therefrom is therefore requested.

Claim 11 stands rejected under 35 U.S.C. §103 as being unpatentable over Moore in view of Hoffman et al. Claim 11 has been amended to further define the pre-subject filter assembly as having a pair of filters wherein each filter has a curved portion connecting a base to a tail and wherein the curved portion of one filter faces the curved portion of the other filter. As best shown in Figs. 1a, 2a, and 3a, Moore teaches a filter arrangement wherein the curved portions of wedge bodies 26 face away from one another. The curved portion of one filter faces in the +y direction whereas the curved portion of the other filter faces in the -y direction. Accordingly, one skilled in the art would readily appreciate that the arrangement disclosed by the art of record fails to teach or suggest the claimed arrangement. As such, notwithstanding the teachings of Hoffman

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et al., it is believed that which is called for in claim 11 to be patentably distinct from that taught and/or suggested by the art of record. Allowance of claim 11 and those claims depending therefrom is therefore requested.

Regarding the rejection of claims 5, 6, 9, 10, 18, and 21, Applicant respectfully disagrees with the Examiner with respect to the art as applied, but in light of each of the aforementioned claims depending from what are believed otherwise allowable claims, Applicant does not believe additional remarks are necessary and therefore requests allowance of claims 5, 6, 9, 10, 18, and 21 at least pursuant to the chain of dependency.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-2, 5-14, and 16-23.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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